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December 21, 2021

The Honorable Gary R. Brown  
100 Federal Plaza  
Courtroom 840  
Central Islip, NY 11722-9014

John W. Peterson  
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**Re: *CardConnect, LLC v. Law Office of Francisco J. Rodriguez et al. (Case No. 2:20-cv-01526) – Order Dismissing Case***

Dear Judge Brown,

On December 16, 2021, the Court terminated the above captioned case. However, there is a live controversy pending between CardConnect, LLC (“CardConnect”) and the Law Office of Francisco J. Rodriguez (“Rodriguez”).

#### **CardConnect v. Rodriguez**

On March 24, 2020, CardConnect filed its Complaint against Rodriguez. (ECF No. 1.) Thereafter, CardConnect filed its Motion for Summary Judgment. (ECF No. 45.) Although CardConnect withdrew that Motion, its claims against Rodriguez are still pending. (*See* ECF No. 49 (“Plaintiff CardConnect, LLC hereby notifies the Court that it withdraws its Letter Motion for Summary Judgment (ECF No. 45).”).)

#### **Rodriguez v. Third Parties**

On July 6, 2020, Rodriguez filed its Third-Party Complaint against: (1) Antonio Juarez Hernandez; (2) Nereyda Vega; (3) Royal Liberty Oil Leasing, LLC; and (4) Royal International Investment Group, LLC. (ECF No. 10.) On July 1, 2021, Rodriguez moved for default judgment against: (1) Nereyda Vega; (2) Royal Liberty Oil Leasing, LLC; and (3) Royal International Investment Group, LLC. (ECF No. 46.) The Court granted that Motion on October 28, 2021. (ECF No. 53.)

#### **Order Dismissing Case**

On December 14, 2021, the Court entered the following order:

ORDER DISMISSING CASE: By Order dated 10/28/2021, the Court granted the third-party plaintiffs’ motion for default judgment, and entered default judgment in the amount of \$285,645.87, which excluded punitive damages, as punitive damages cannot be awarded in the absence of an inquest by the court. The Court further directed that if the third-party plaintiffs wished to request an inquest, they must advise the Court within 20 days of the Order; otherwise, the case would be closed. More than 20 days has elapsed and the third party plaintiffs’ have not requested

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an inquest. Accordingly, the Clerk of the Court is respectfully directed to enter judgement and close the case.

Pursuant to that Order, this case was terminated on December 16, 2021.

CardConnect's claims, however, remain pending against Rodriguez. Accordingly, CardConnect respectfully requests the Court enter an order clarifying that its December 14, 2021 Order did not dismiss CardConnect's claims against Rodriguez.

Sincerely,

*/s/ John W. Peterson*

John W. Peterson

cc: Francisco J. Rodriguez (via ECF)